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COMMUNITY DEVELOPMENT
CITY OF AUBURN
January 30, 2011

City of Auburn
1225 Lincoln Way
Auburn CA, 95603

Attention:

City Council Members:

Bill Kirby, Keith Nesbit, Kevin Hanley, Mike Holmes, Bridget Powers

Planning Commission Members:

Matt Spokely, Bob Snyder, Fred Vitas, Alan Young, List Worthington

RE: Baltimore Ravine Specific Plan – Alternative Access

Honorable Members of the City Council and Planning Commission:

My name is Kristy M. Steen. I am the daughter of Leslie R. Sipe, owner of the land located at 396 Baltimore Road, Auburn, CA 95603. I am writing in regards to the planning hearing scheduled for February 1, 2011, concerning the "Baltimore Ravine Specific Plan" alternative access routes off of Auburn Folsom Road.

The property that remains at 396 Baltimore Road has been in our family since the mid-1800s and although our family's land holdings have been pared down significantly since Auburn's inception, it is basically the only raw acreage left in the city of Auburn. As I am sure you are aware, my entire family is greatly concerned about the outcome of the Baltimore Ravine Specific Plan Alternative Access decisions and specifically its potential impact on our remaining undeveloped property.

My family and I are adamantly opposed to any access affecting the property owned by Leslie Sipe. It is my understanding that the proposed accesses #4 and #5 will significantly impact and cross over the southeastern portion of Mrs. Sipe's land. I understand that it could be anywhere from 700 feet to approximately several acres of land. That particular area is a prime piece of land with a view of our entire property and the western horizon. It is a travesty to propose such alternative access over our family's property to a development, which has no direct benefit to our family and its successors.

I was born and raised in Auburn and have spent most of my life caring for and maintaining this property. Although I am currently a resident of Roseville, as I have been unable to construct a private residence on our land due to "Urban Reserve" protections, it has always been my plan to return to the property and build a homestead there. This is something we have expressed to the City Council on several different occasions, including the hearings concerning

this current development. It would not only be very difficult to build with 1/3 of our prime acreage gone but it would also reduce our privacy, which is a major concern for us, by having a busy thoroughfare with bridges crossing it.

It is my understanding from reading the staff report for the hearing dated 2/01/11 that eminent domain has been mentioned as an option for access through our private property. I do not understand how eminent domain can be used in this situation. It is clear through my research of eminent domain precedent that the courts do not consider passing land from one private party (i.e. my mother, Mrs. Sipe) to another private party, (the developer in this case, Mr. Stephen Des Jardins) a case for eminent domain. Further, I do not believe that public interest is at stake by accessing the project site through our private property, being that this is a private development concern. Thus, alternative access proposals #4 and #5 are not necessary for this project.

Residents of Herdal Drive had prior knowledge of the proposed development's access routes prior to purchasing residences. Plus Herdal Drive has long been the access route for this project. In fact as cited in the staff report of January 13, 2011: "As explained in Exhibit R of the September 21, 2010 PC Binder, staff concurs that Herdal Drive with the bridge over Bloomer Cut is the most appropriate means of providing access to the southern portion of the BRSP. The extension of Herdal Drive has been part of plans for providing access to the Baltimore Ravine area for more than 30 years, as evidenced by prior plans and the existing right-of-way on the extension. It is the most direct route, involving the least amount of roadway construction, and the shortest bridge span. The amount of cut and fill necessary for this route, and the impacts on natural resources, including woodlands, would be less severe than under other options. The primary disadvantages are that the roadway would be located adjacent to existing backyards and that the bridge would be constructed over a significant historic resource, Bloomer Cut. However, the extension has been anticipated for a number of years, including the approvals for the existing residences, and the bridge would be designed so that Bloomer Cut itself would not be altered." As further stated in this same report, the alternate or secondary access would be Rogers Lane. Therefore, access off of Auburn Folsom Road is not necessary and would cause the most private injury, especially if taken by eminent domain.

Because of the above, I am requesting that the Planning Commission and the City Council disregard Alternative Access options #4 and #5 off of Auburn Folsom Road and use the originally planned access routes of Herdal Drive, Werner Road and Rogers Lane.

Respectfully yours,

Kristy M. Steen

Kristy M. Steen, Esq.